

Article 9: Construction Permits

Division 5: Demolition/Removal Permit Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0501 Purpose of Demolition/Removal Permit Procedures

The purpose of these procedures is to establish the process for review of Demolition/Removal Permit applications for compliance with the minimum standards necessary to safeguard public health, safety, and welfare. The intent of these procedures is to protect the public against personal injury or property damage and to insure completion of the demolition or removal and cleanup of the site.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0502 When a Demolition/Removal Permit Is Required

No person shall demolish, cause to be demolished, or remove any *structure* unless a valid Demolition/Removal Permit has been issued and is in effect for that *structure*, except as exempted from this requirement in Section 129.0503.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0503 Exemptions from a Demolition/Removal Permit

- (a) A demolition/removal permit is not required to demolish or remove any structure that is exempt from a building permit in accordance with Section 129.0203.
- (b) A Demolition/Removal Permit is not required to demolish the following:
 - (1) A one-story frame *structure* that is 500 square feet or less in area, unless the *structure* has been determined to be a contributing element to a designated *historical structure* or site;
 - (2) A temporary construction shed or office; or
 - (3) A temporary tract or *subdivision* office for which a temporary *construction permit* had been previously issued.

- (c) A Demolition/Removal Permit is not required to demolish only a part of a *structure*. A partial demolition may require a Building Permit in accordance with Chapter 12, Article 9, Division 2.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0504 How to Apply for a Demolition/Removal Permit

An application for a Demolition/Removal Permit shall be submitted in accordance with Sections 112.0102 and 129.0105.

- (a) If the demolition is for a *multiple dwelling unit structure* containing four or more units, the *applicant* shall certify on the application that each tenant who may be affected by the proposed demolition has been notified of the owner's intent to apply for a Demolition/Removal Permit. The form of the notice shall be prescribed by the Building Official. Service of the notice shall be by U.S. Mail or by personal delivery.
- (b) The Building Official may waive the Demolition/Removal Permit fee, and bond, public liability, and damage insurance fees for demolition of a *structure* that is two *stories* or less in height and has been declared by a government authority to be unsafe or a *public nuisance*. A copy of the letter of declaration from the government authority must be presented when applying for the Demolition/Removal Permit. Workers' compensation insurance requirements still apply even if fees are waived.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0505 Decision Process on a Demolition/Removal Permit

A decision on an application for a Demolition/Removal Permit shall be made by the Building Official in accordance with Process One. The Demolition/Removal Permit shall be approved if the Building Official finds that the work described in the permit application, plans, specifications, and other data, complies with the requirements of the Land Development Code, other applicable laws and ordinances and any applicable *development permit*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0506 Issuance of a Demolition/Removal Permit

- (a) A Demolition/Removal Permit may be issued after all required approvals and documentation have been obtained and the required fees have been paid. In addition to plan check approvals, other documentation may be required before permit issuance, in conformance with the requirements of the Land

Development Code, or the laws or requirements of other local, state, or federal jurisdictions. A Demolition/Removal Permit shall not be issued for a *development* that requires a *development permit* or for which a *development permit application* has been submitted until the *development permit* has been issued or has been withdrawn, where not otherwise required. Documentation of required insurance and surety shall be presented in accordance with Sections 129.0508 and 129.0509.

- (b) A Demolition/Removal Permit for demolition work shall be issued only to an *applicant* who holds a valid State of California Contractor's license that authorizes the *applicant* to perform demolitions or to the owner of the real property on which the *structure* to be demolished is situated.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

§129.0507 Qualifications to Do Demolition Work

No person may demolish a *structure* unless the person holds a valid State of California Contractor's License authorizing demolition work or is the owner of the real property on which the *structure* to be demolished is situated.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0508 Surety Required Prior to Demolition

- (a) A security in the amount of \$10,000, either in the form of a surety bond issued by a surety company authorized to do business in the State of California or in cash, or the equivalent amount in other security approved by the Building Official, is required to be filed with the City of San Diego before a Demolition/Removal Permit is issued, except that no surety shall be required from the following:

- (1) Any owner of, or contractor for, a demolition of a *structure* that is less than 6,000 square feet in *floor area*;
- (2) Any owner required to demolish a *structure* that is two *stories* or less in height and has been declared by a governmental authority to be unsafe or a *public nuisance*;
- (3) The State of California, its political *subdivisions*, or any governmental agency.

- (b) The surety bond or other security shall be joint and several in form and inure to the benefit of the City of San Diego, conditioned upon the completion of the demolition and associated work in accordance with the terms of the sections regulating demolition of *structures* and within the period of time as provided in

Sections 129.0511 and 129.0512. A surety bond or other security shall be conditioned upon the payment to the City of any costs incurred by the City in completing the work in accordance with the terms of the sections regulating wrecking of *structures* or in employing a private contractor to complete the work.

- (c) Whenever the City Manager determines that a default has occurred in the performance of any term or condition of the work authorized by the permit, the City Manager shall give written notice of the default to the principal and the surety on the bond, or any other party standing in the capacity of a surety to the principal. The notice shall identify the work remaining to be done, the estimated cost of completion of the work, and the period of time deemed by the City Manager to be reasonably necessary for the completion of the work.
- (d) After receipt of the notice, the principal or the surety on the bond must, within the time specified, either cause the required work to be performed or deposit with the City of San Diego the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to 10 percent of the cost; however, this amount shall not exceed the amount of the bond that was posted. The principal and any surety shall be jointly and severally liable for the cost of completing the work.
- (e) If the principal or surety fails to complete the work within the time specified in the notice, the City Manager shall proceed by any method deemed convenient to cause the required work to be completed.
- (f) Any unexpended deposits shall be returned to the depositor at the completion of the work, together with an itemized accounting of the cost.
- (g) The principal and surety on the bond shall hold the City harmless from any liability in connection with the work so performed by the City, its authorized agent, or a contractor employed by the City. The City shall not be liable in connection with the work other than for the expenditure of the money.

- (h) If a cash deposit or equivalent security has been posted, notice of default as provided above shall be given to the principal and, if compliance is not achieved within the time specified, the City Manager shall proceed without delay and without further notice of proceedings to use the cash deposit or equivalent to cause the required work to be done by contract or otherwise in the City Manager's discretion. The balance, if any, of the cash deposit or equivalent shall, upon completion of the work, be returned or released to the depositor or to its successors or assigns after deducting the cost of the work.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0509 Insurance Requirements for Demolition Work

- (a) Every person demolishing a *structure* or causing the same to be done shall take out and maintain public liability insurance to protect against loss from liability for damages on account of bodily injury, including death, and to protect against loss for liability or damages to any property caused directly or indirectly by the demolition or associated work of the *structure* except that:
- (1) A policy of insurance shall not be required from the State of California, its political *subdivision*, or any governmental agency; or
 - (2) Any owner required to demolish a *structure* that is two *stories* or less in height and has been declared by a governmental authority to be unsafe or a *public nuisance*.
- (b) The amount of insurance shall be not less than \$50,000 for one person injured in one accident, not less than \$100,000 for more than one person injured in one accident, and not less than \$5,000 with respect to any property damage. The insurance policy shall be maintained in full force and effect during the demolition and associated work on the *structure* and site. Proof of insurance acceptable to and approved by the Building Official shall be filed with the City of San Diego and shall provide that copies of all cancellation notices shall be sent to the City. The provisions of this section shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages.
- (c) Upon expiration of the Demolition/Removal Permit, the Building Official shall notify the permittee, owner, and surety that the Demolition/Removal Permit has expired. Service of the notice shall be made in accordance with the notice provisions of Municipal Code Chapter 1. Failure to do so, however, shall not extend the permit nor otherwise validate an expired permit.

- (d) The permittee, owner, or surety may extend the permit in accordance with Section 129.0512.
- (e) If the permittee, owner, or surety fails to extend the Demolition/Removal Permit and the work is not completed, or if the permit is extended once and the work is not completed when the extended permit expires, a default shall be deemed to have occurred.
- (f) The Building Official shall, in accordance with the notice provisions of Municipal Code Chapter 1, notify the surety of the occurrence of a default. Upon notification, the surety shall be obligated to comply with the conditions of the bond that require timely obtainment of a Demolition/Removal Permit and timely completion of the work.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0510 Initial Utilization of a Demolition/Removal Permit

A Demolition/Removal Permit shall become void if the work authorized and required by the permit has not begun within 60 calendar days of the date of permit issuance.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0511 Expiration of a Demolition/Removal Permit

A Demolition/Removal Permit shall expire and become void if all the work authorized has not been completed and approved within 90 calendar days of the date of permit issuance.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0512 Extension of Time for a Demolition/Removal Permit

- (a) Before the expiration date of a Demolition/Removal Permit, a permittee may submit an application for an extension of time.
- (b) The Building Official may approve the extension of time for a Demolition/Removal Permit if the Official determines that circumstances beyond the control of the *applicant* prevented completion of the work.
- (c) The permit extension shall provide an additional 60 calendar days, starting from the original permit expiration date, to complete the work authorized by the permit.

- (d) No additional extension of time shall be granted and if the work is not completed by the end of the extension of time a default shall be deemed to have occurred.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0513 Required Inspection for a Demolition/Removal Permit

All work authorized by a Demolition/Removal Permit shall be inspected by the Building Official in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0514 Notification of Default

The Building Official shall notify the surety of the occurrence of a default in accordance with the notice provisions of Municipal Code Chapter 1. Upon notification, the surety shall be obligated to comply with the conditions of the bond that require timely obtainment of a Demolition/Removal Permit and timely completion of the work.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)